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Tr.C.M.P.No.633 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

Tr.C.M.P.No.633 of 2025

and

C.M.P.No.15128 of 2025

Deepika

... Petitioner

Vs

V.Ragunath

... Respondent

PRAYER in Tr.C.M.P:

This Transfer Miscellaneous Petition is filed under Section 24 C.P.C., to withdraw and transfer the HMOP No.151 of 2025 on the file of Sub Judge at Coimbatore to Sub Court, Erode.

PRAYER in C.M.P:

To stay all further proceedings HMOP No.151 of 2025 on the file of Sub Judge at Coimbatore.

For Petitioner : Mr.B.Mohan

For Respondent : Served/No appearance



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ORDER

Heard.

2. This Transfer Civil Miscellaneous Petition is filed by the wife seeking withdrawal and transfer the HMOP No.151 of 2025 on the file of Sub Judge at Coimbatore to Sub Court, Erode.

3. The petitioner is the wife and the respondent is the husband. The marriage between the parties was solemnised on 19.02.2024 at Erode. After marriage, the parties lived at Coimbatore. The petitioner would state that she was subjected to cruelty and, therefore, she left the matrimonial home on 05.09.2024 and is now residing with her parents at Erode District.

4. It is seen that the respondent/husband has filed H.M.O.P. No.151 of 2025 before the learned Subordinate Judge, Coimbatore seeking divorce. The petitioner would state that she has already instituted F.C.O.P. No.79 of 2025 for restitution of conjugal rights on the file of the Family Court, Erode and the said proceedings are pending.



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5. The petitioner seeks transfer of H.M.O.P. No.151 of 2025 from Coimbatore to Erode mainly on the ground of hardship. According to the petitioner, she has to travel about 101 kms to attend the hearings at Coimbatore, involving multiple bus changes and substantial travel time, and that frequent hearings would affect her employment and livelihood.

6. Though, notice was ordered and an interim stay was granted by this Court on 03.07.2025 and Private notice was also permitted and an affidavit of service has been filed, Today, when the matter is taken up for hearing, there is no representation for the respondent.

7. In matrimonial matters, the consistent approach is to consider the convenience and hardship of the spouse who seeks transfer, particularly when the spouse is the wife and is shown to be residing away from the place where the proceedings are pending. In the case on hand, the petitioner is residing at Erode and has also initiated proceedings at Erode. Requiring the petitioner to undertake repeated long-distance travel to Coimbatore would cause undue hardship. On the other hand, the respondent can prosecute the matter at Erode, and no serious prejudice is shown.

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8. In view of the above, this Court is of the considered view that the ends of justice would be met by transferring H.M.O.P. No.151 of 2025 from the Sub Court, Coimbatore to the competent Court at Erode, so that the disputes between the parties can be adjudicated expeditiously.

9. Accordingly, Tr.C.M.P. No. 633 of 2025 is allowed. H.M.O.P. No. 151 of 2025 on the file of the Subordinate Judge, Coimbatore, is withdrawn and transferred to the file of the District Judge, Family Court, Erode. The Subordinate Judge, Coimbatore, shall transmit the entire records to the District Judge, Family Court, Erode, within three (3) weeks from the date of receipt of a copy of this order and the District Judge, Family Court, Erode shall dispose of the matter in accordance with law, as expeditiously as possible, uninfluenced by any observations made in this order. Interim stay granted by this Court on 03.07.2025 shall stand vacated and C.M.P. No. 15128 of 2025 is closed. There shall be no order as to costs.

02.01.2026

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



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To

1. The Sub Judge at Coimbatore
2. The District Judge, Family Court, Erode



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DR. A.D. MARIA CLETE, J

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and
C.M.P.No.15128 of 2025**

02.01.2026